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PATENT APPLICATION

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IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Robert Douglas Christiansen

Confirmation No.: 7123

Application No.: 10/620,067

Examiner: Hilina S. Kassa

Filing Date: 7/14/2003

Group Art Unit: 2609

Title: Automatically configuring a raster image processor

Mail Stop Appeal Brief-Patents
Commissioner For Patents
PO Box 1450
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TRANSMITTAL OF APPEAL BRIEF

Transmitted herewith is the Appeal Brief in this application with respect to the Notice of Appeal filed on 1/18/2010.

☐ The fee for filing this Appeal Brief is \$540.00 (37 CFR 41.20).

☒ No Additional Fee Required. Appeal brief file already paid.
(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d)) for the total number of months checked below:

☐ 1st Month
\$130

☐ 2nd Month
\$490

☐ 3rd Month
\$1110

☐ 4th Month
\$1730

☐ The extension fee has already been filed in this application.

☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$ 00 . At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees.

Respectfully submitted,

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First named Applicant: Robert Douglas Christiansen	Group Art Unit: 2609
Application No.: 10/620,067 (CONF 7123)	
Filed: 7/14/2003	
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Attorney Docket No.: 100204030-1	

Assistant Commissioner for Patents
Washington, D.C. 20231

APPEAL BRIEF

This Appeal Brief is organized in accordance with the requirements set forth in 37 CFR 41.37(c).

Real party in interest

The real party in interest is Hewlett-Packard Development Company, LP, a limited partnership established under the laws of the State of Texas and having a principal place of business at 20555 S.H. 249 Houston, TX 77070, U.S.A. (hereinafter "HPDC"). HPDC is a Texas limited partnership and is a wholly-owned affiliate of Hewlett-Packard Company, a Delaware Corporation, headquartered in Palo Alto, CA. The general or managing partner of HPDC is HPQ Holdings, LLC.

Related appeals and interferences

There are no related appeals or interferences to the present patent application.

Status of claims

Claims 1-22 were filed in the present patent application. Of these claims, claims 3, 10, and 17 were amended during prosecution. The rejection of all the pending claims 1-22 is subject to this appeal.

Status of amendments

None of the claims were amended in the final office action response of February 9, 2009, which was responsive to the final office action of December 8, 2008. The Examiner did indicate in the advisory action of February 27, 2009, that “the proposed amendments will be entered” (see box 7 under AMENDMENTS on page 2 of the advisory action). However, Applicant is uncertain as to what proposed amendments the Examiner is referring to, insofar as in the final office action response of February 9, 2009, Applicant did not propose any amendments. In any case, then, there are no unentered claim amendments pending in the present patent application.

Summary of claimed subject matter

There are three independent claims, claims 1, 10, and 17, pending in the present patent application.

Claim 1

Claim 1 is directed to a method for a raster image process (RIP) manager to automatically configure a RIP engine (method 200 of FIGs. 2 and 3; p. 14, ll. 7-8; para. [0040]). The method is operable in a networked computing environment including the RIP manager coupled to the RIP engine (environment 100 of FIG. 1, including RIP manager 102 and RIP engine 104; p. 4, ll. 9-11; para. [0014]; p. 5, ll. 3-5; para. [0016]). The method includes receiving a print job (part 202 of FIG. 2; p. 14, ll. 11-12; para. [0040]). The method includes requesting the RIP engine to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processing preference (part 208 of FIG. 2; p. 14, ll. 15-21; paras. [0040]-[0041]; p. 6, ll. 23-25; p. 7, ll. 5-8; para. [0021]). The dynamic configuration is requested in consideration of the RIP engine RIPing a particular portion of the print job (p. 15, ll. 1-3).

Claim 10

Claim 10 is directed to a computer-readable medium having computer-program instructions executable by a processor for automatically configuring a raster image processor (RIP) engine stored thereon (p. 4, l. 19, through p. 5, l. 2; para. [0015]; RIP engine 104 of FIG. 1; p. 5, ll. 3-5; para. [0016]). The computer-program instructions comprise instructions for evaluating a print job to identify a set of RIPing parameters (p. 6, ll. 14-16; para. [0020]). The computer-program instructions comprise instructions for communicating the RIPing parameters to a RIP engine to direct the RIP engine to automatically configure its RIPing operations to conform to the RIPing parameters (part 208 of FIG. 2; p. 14, ll. 15-17; para. [0040]; p. 6, l. 23, through p. 7, l. 8; para. [0021]). The computer-program instructions comprise instructions for requesting the RIP engine to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a supplied processing preference (part 208 of FIG. 2; p. 14, ll. 15-21; paras. [0040]-[0041]; p. 6, ll. 23-25; p. 7, ll. 5-8; para. [0021]). The dynamic configuration is requested in consideration of the RIP engine RIPing a particular portion of the print job (p. 15, ll. 1-3).

Claim 17

Claim 17 is directed to a computer-readable medium comprising computer-program instructions executable by a processor for automatically configuring a raster image processor (RIP) engine coupled to a RIP manager (p. 4, l. 19, through p. 5, l. 2; para. [0015]; RIP manager 102 and RIP engine 104 of FIG. 1; p. 4, ll. 9-11; para. [0014]; p. 5, ll. 3-5; para. [0016]). The computer-program instructions comprise instructions for receiving, by the RIP engine, a request to configure RIPing operations in accordance with one or more parameters specified by the RIP manager (part 208 of FIG. 2; p. 14, ll. 15-21; paras. [0040]-[0041]; p. 6, ll. 23-25; p. 7, ll. 5-8; para. [0021]). The computer-program instructions comprise instructions for responsive to receiving the request, the RIP engine configuring RIPing operations based on the one or more parameters (p. 7, ll. 5-8; para. [0021]). The computer-program instructions comprise instructions for requesting the RIP engine to perform dynamic configuration of at least one RIPing parameter

when the RIPing parameter is not congruent to a supplied processing preference (part 208 of FIG. 2; p. 14, ll. 15-21; paras. [0040]-[0041]; p. 6, ll. 23-25; p. 7, ll. 5-8; para. [0021]). The dynamic configuration is requested in consideration of the RIP engine RIPing a particular portion of the print job (p. 15, ll. 1-3).

Grounds of rejection to be reviewed on appeal

For the purposes of this appeal, there is a total of two issues, or grounds of rejection to be reviewed on appeal. The first ground of rejection is whether claims 1-4, 6-18, and 21-22 have been properly rejected under 35 USC 102(b) as being anticipated by Zuber (6,035,103). The second ground of rejection is whether claims 5 and 19-20 have been properly rejected under 35 USC 103(a) as being unpatentable over Zuber in view of Morgan (6,362,828).

Argument

First ground of rejection

Applicant respectfully submits that the Examiner has erred in rejecting claims 1-4, 6-18, and 21-22 under 35 USC 102(b) as being anticipated by Zuber. In particular, Applicant respectfully submits that independent claims 1, 10 and 17 are patentable over Zuber. As such, the other pending claims rejected as being anticipated by Zuber are patentable at least because they depend from patentable base independent claims.

The standard for anticipation under 35 USC 102 is that every aspect of a claim must *identically* appear in a single prior art reference for it to anticipate the claim under 35 USC 102. (In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)) "[T]here must be *no difference* between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." (Scripps Clinic & Research Found. v. Genentech, Inc., 18 USPQ2d 1001, 1010 (Fed. Cir. 1991)) Applicant respectfully submits that this standard has not been satisfied with respect to Zuber in relation to independent claims 1, 10, and 17.

Insofar as the rejection over Zuber is concerned, Applicant discusses claim 1 as representative of all the independent claims, because the other independent claims 10 and 17 at least substantially recite the limitations of claim 1 that Applicant submits are not disclosed by Zuber. In particular, claim 1 recites that a RIP engine is requested to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processing preference. The dynamic configuration is requested in consideration of the RIP engine RIPing a particular portion of the print job.

Zuber discloses in FIG. 1 a processor 14 that “is operable to disassemble the print job, parse the print job into difference pages, and distribute the parsed pages in a predetermined manner” to the print engines 16 (col. 5, ll. 20-27). Zuber uses the term “print engine” synonymous with a printer (cf., e.g., col. 5, ll. 22-23 with col. 5, ll. 38-41). In FIG. 2, Zuber discloses its process in more detail: a print job is RIPPed by a RIP engine 22, and the (print) engine manager 28 then determines to “which of the print engines 16 the job is to be passed” (col. 5, ll. 46-48 & 58-62). Thus, in Zuber, you *first* RIP a print job using the RIP engine 22, and *then* the print engine manager 28 distributes these pages to the print engines 16, for printing. For example, in the particular embodiment of FIG. 12, as described in column 15, line 50, through column 16, line 5, Zuber RIPS a print job (350), and then sends the black-and-white pages of the RIPPed print job to one or more black-and-white print engines 364 for printing, and the color pages of the RIPPed print job to one or more color print engines 368 for printing.

The Examiner has stated that column 15, lines 50-60, of Zuber disclose the limitation “requesting the RIP engine to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processing preference.” Specifically, the Examiner has stated that this portion of Zuber discloses this limitation of the invention in that “when the print job has parameters as color/B&W and according to the parameter, the job router/parser routes the print job to the accorded configured print engine per the preference” (office action of October 19, 2009, pp. 3-4). This is incorrect: routing a print job to various print engines after RIPing does not mean that the RIP engine is requested to perform

dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processing preference.

Specifically, a *print engine*, such as one of the print engines 16, is not a *RIP engine* in Zuber. This is readily apparent in FIG. 2 of Zuber, which discloses both a RIP engine 22 (col. 5, l. 47) and print engines 16. The RIP engine 22 performs raster-image processing, or in the parlance of Zuber, “decode the print string that is received from the print spooler 20,” which “effectively divides each print job into pages” (col. 5, ll. 45-50). By comparison, the print engines 16 actually *print* or *output* the documents on paper (see col. 6, ll. 3-25). Therefore, the functionality ascribed to routing the print job to the correct print engine in column 15, lines 50-60, of Zuber has nothing to do with requesting a RIP engine to perform dynamic configuration of at least one RIPing parameter.

Indeed, as noted above, Zuber *first* RIPs the print job via the RIP engine 350, and *then* the virtual job router 354 routes the print job to the appropriate print engines 364 and/or 368 for printing. The virtual job router 354 in Zuber never requests the RIP engine to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processing preference. The RIP engine 350 is never configured in Zuber at the behest of the virtual job router 354. Rather, the virtual job router 354 in Zuber takes the output of the RIP engine 350, and divides the pages of the print job, as have already been RIPed, to the print engines 364 and/or 368.

The Examiner has also stated that column 15, line 60, through column 16, line 5 of Zuber disclose the limitation that “the dynamic configuration [by the RIP engine] being requested in consideration of the RIP engine RIPing a particular portion of the print job.” Specifically, the Examiner has stated that this portion of Zuber discloses this limitation of the invention in that “the print job is divided to different portions as desired to process by the color or B&W [print] engine” (office action of October 19, 2009, p. 4). This is incorrect: again, routing a print job to various print engines after RIPing does not mean that the RIP engine is requested to perform dynamic configuration in consideration of the RIP engine RIPing a particular portion of the job.

Specifically, as noted above, a print engine is not a RIP engine. As such, that the color print engine is requested to print the color pages of a print job and that the black-and-white print engine is requested to print the black-and-white pages of a print job in Zuber does not mean that the RIP engine of Zuber is requested to be dynamically configured in consideration of this RIP engine RIPing a particular portion of the print job. Indeed, as discussed above, the RIP engine 350 first RIPs the print job in Zuber, and then the virtual job router 354 routes the print job to the appropriate print engines 364 and/or 368 for printing. Dynamic configuration by the RIP engine is not requested in Zuber in consideration of this RIP engine RIPing a portion of the print job.

For these reasons, Applicant respectfully submits that Zuber does not anticipate the claimed invention. Zuber does not disclose the identical invention being claimed, and there is a significant difference between that which Zuber discloses and that which is being claimed. Specifically, in Zuber, the black-and-white print engines are requested to print the black-and-white pages of a print job, and the color print engines are requested to print the color pages of a print job, *after the print job has been completely RIPed by the RIP engine*. By comparison, in the claimed invention, *the RIP engine is requested to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processing preference*, which is completely different. Furthermore, in the claimed invention this dynamic configuration by the RIP engine is requested in consideration of the RIP engine RIPing a particular portion of the print job, in comparison to which Zuber's routing of black-and-white pages to black-and-white print engines *after RIPing* and routing of color pages to color print engines *after RIPing* is completely different.

Ultimately, Applicant respectfully submits that the claimed invention is *complementary to* Zuber, and is not *anticipated by* Zuber. For example, you can perform RIPing in accordance with the claimed invention, in which dynamic configuration of RIPing parameters by RIP engines is achieved. Such RIPing would thus be performed by, for instance, the RIP engine 350 of FIG. 12 in Zuber. Thereafter, you can then route the pages of the print job among the various print engines 364 and 368 in accordance with Zuber's teaching. However, *how print job pages after RIPing are routed to various print engines does not anticipate how the dynamic configuration of*

RIPing parameters in the claimed invention, in contradistinction to the Examiner's assertions. Zuber's teachings as to routing print job pages after RIPing to print engines is irrelevant to the dynamic configuration performed by a RIP engine in the claimed invention. Therefore, Applicant respectfully requests that the Board overturn the Examiner's rejection.

Second ground of rejection

Applicant respectfully submits that the Examiner has erred in rejecting claims 5 and 19-20 under 35 USC 103(a) as being unpatentable over Zuber in view of Morgan. Claims 5 and 19-20 are dependent claims, depending from the independent claims 1 and 17. The error in the Examiner's rejection is that because claims 1 and 17 are patentable, as discussed above, claims 5 and 19-20 are patentable at least because they depend from a patentable base independent claim.

Respectfully Submitted,



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Claims appendix

1. (original) In a networked computing environment including a Raster Image Process (RIP) manager coupled to at least one RIP engine, a method for the RIP manager to automatically configure the RIP engine, the method comprising:

receiving a print job; and

requesting the RIP engine to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a RIP manager supplied processing preference, the dynamic configuration being requested in consideration of the RIP engine RIPing a particular portion of the print job.

2. (original) A method as recited in claim 1, wherein the at least one RIPing parameter is a RIPing algorithm, a resource/software version, a particular font, or a color profile.

3. (previously presented) A method as recited in claim 1:

wherein the RIP engine is a first RIP engine of first and second RIP engines in a pipeline;

wherein the first and second RIP engines are heterogeneous with respect to one another;

and

wherein requesting the RIP engine to perform dynamic configuration is further directed to configuring the first RIP engine to process the particular portion using same RIPing parameters as used by the second RIP engine to RIP a different portion of the print job.

4. (original) A method as recited in claim 1, wherein the method further comprises downloading, by the RIP engine, any configuration resource(s) indicated by RIP manager supplied processing preference(s) that are not locally available to the RIP engine.

5. (original) A method as recited in claim 4, wherein RIP engine downloads configuration resource(s) from a network address identified by the RIP manager.

6. (original) A method as recited in claim 1, wherein the method further comprises:
directing the RIP engine to communicate a status to the RIP manager indicating whether the RIP engine can perform the dynamic configuration in accordance with the RIP manager supplied processing preference; and
wherein the status determines whether the RIP engine or a different RIP engine in the pipeline will RIP the particular portion.
7. (original) A method as recited in claim 6, wherein the status is a response message or a lapse of time.
8. (original) A method as recited in claim 1, wherein the method further comprises:
responsive to determining that the RIP engine cannot successfully RIP the print job in accordance with the RIP manager supplied processing preference;
identifying a different RIP engine that can or has performed such dynamic configuration of the at least one RIPing parameter; and
communicating the particular portion to the different RIP engine for RIPing in accordance to the RIP manager supplied processing preference.
9. (original) A method as recited in claim 1, wherein the method further comprises:
determining that the RIP engine can successfully RIP the print job in accordance with the RIP manager supplied processing preference; and
responsive to the determining, communicating the particular portion to the RIP engine for RIPing in accordance to the RIP manager supplied processing preference.
10. (previously presented) A computer-readable medium having computer-program instructions executable by a processor for automatically configuring a raster image processor (RIP) engine stored thereon, the computer-program instructions comprising instructions for:

evaluating a print job to identify a set of RIPing parameters;
communicating the RIPing parameters to a RIP engine to direct the RIP engine to automatically configure its RIPing operations to conform to the RIPing parameters; and,
requesting the RIP engine to perform dynamic configuration of at least one RIPing parameter when the RIPing parameter is not congruent to a supplied processing preference, the dynamic configuration being requested in consideration of the RIP engine RIPing a particular portion of the print job.

11. (original) A computer-readable medium as recited in claim 10, wherein the RIPing parameters indicate one or more specific RIPing algorithms, font resources, color profiles, and/or software versions.

12. (original) A computer-readable medium as recited in claim 10, wherein the computer-program instructions further comprise instruction for supplementing or replacing the RIPing parameters with one or more default RIPing parameters.

13. (original) A computer-readable medium as recited in claim 10, wherein the computer-program instructions further comprise instruction for:

receiving a download request from the RIP engine, the download request identifying at least a subset of the RIPing parameters; and

responsive to the download request, communicating resources corresponding to the at least a subset of the RIPing parameters to the RIP engine for subsequent installation by the RIP engine to configure its RIPing operations.

14. (original) A computer-readable medium as recited in claim 10, wherein the computer-program instructions further comprise instruction for directing the RIP engine to RIP at least a portion of a print job using resource(s) associated with the RIPing parameters.

15. (original) A computer-readable medium as recited in claim 10, wherein the RIP engine is a first RIP engine of first and second RIP engines in a pipeline, and wherein the computer-program instructions further comprise instructions for:

determining that the first RIP engine cannot successfully RIP a print job in accordance with the RIPing parameters;

responsive to the determining, automatically configuring the second RIP engine to perform RIPing operations in accordance to the RIPing parameters; and

communicating a particular portion of a print job to the second RIP engine for RIPing, the particular portion having previously been assigned to the first RIP engine.

16. (original) A raster image processor (RIP) manager computing device comprising the processor coupled to the computer-program instructions recited in claim 10.

17. (previously presented) A computer-readable medium comprising computer-program instructions executable by a processor for automatically configuring a raster image processor (RIP) engine coupled to a RIP manager, the computer-program instructions comprising instructions for:

receiving, by the RIP engine, a request to configure RIPing operations in accordance with one or more parameters specified by the RIP manager;

responsive to receiving the request, the RIP engine configuring RIPing operations based on the one or more parameters; and,

receiving by the RIP engine from the RIP manager a request to perform dynamic configuration of at least one RIPing parameter when the RIP parameter is not congruent to a RIP manager supplied processing preference, the dynamic configuration being requested in consideration of the RIP engine RIPing a particular portion of the print job.

18. (original) A computer-readable medium as recited in claim 17, wherein the one or more parameters are associated with one or more of a particular RIPing algorithm, font resource, and/or software version.

19. (original) A computer-readable medium as recited in claim 17, wherein the computer-program instructions further comprise instructions for downloading one or more resources corresponding to the one or more parameters from an identified network address.

20. (original) A computer-readable medium as recited in claim 17, wherein the identified network address is provided to the RIP engine by the RIP manager and/or stored in the computer-readable medium, which is local to the RIP engine.

21. (original) A computer-readable medium as recited in claim 17, wherein the computer-program instructions further comprise instructions for:

determining that computer resources of the RIP engine are insufficient to download and/or install one or more resources corresponding to the one or more parameters from an identified network address; and

responsive to the determining, re-assigning and communicating a portion of a print job assigned to the RIP engine to a different RIP engine coupled to the RIP manager.

22. (original) A computing device comprising the processor coupled to the computer-readable medium as recited in claim 17.

Evidence Appendix

(No evidence was submitted pursuant to Rules 130, 131, and 132, and therefore, this section is blank.)

Related Proceedings Appendix

(There are no related proceedings to this patent application, and therefore, this section is blank.)